

NOV 06 2003

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**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Ravi ACHARYA, et. al. ) Attorney Reference: 47004.000059  
Serial No. 09/506,434 ) Group Art Unit: 3624  
Filed: February 18, 2000 ) Examiner: James S. Bergin

For: SYSTEM AND METHOD FOR ELECTRONIC DEPOSIT OF  
THIRD PARTY CHECKS BY NON-COMMERCIAL BANKING  
CUSTOMERS FROM REMOTE LOCATIONS

Supervisor Vincent Millin  
United States Patent and Trademark Office  
Washington, D.C. 20231

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**GROUP 3600**

**COMMUNICATION**

Supervisor Millin:

Representative for the Applicants thanks the Supervisor for reviewing the attached documents which were filed via facsimile on March 11, 2003. The filings include a Notice of Appeal, and also include a copy of an Amendment After Final Rejection that was originally filed on January 7, 2003 and then refiled on March 11, 2003. Consideration of the remarks included therein and a response are appreciated.

Respectfully submitted,

HUNTON & WILLIAMS

Date: May 22, 2003

By:

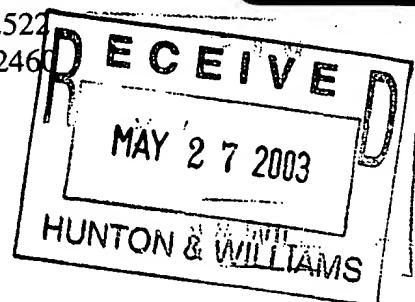
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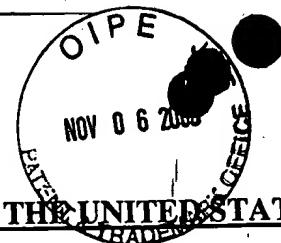
**EXHIBIT**

"B"

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*5-29-03*





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Ravi ACHARYA, et. al. ) Attorney Reference: 47004.000059  
Serial No. 09/506,434 ) Group Art Unit: 3624  
Filed: February 18, 2000 ) Examiner: James S. Bergin

For: SYSTEM AND METHOD FOR ELECTRONIC DEPOSIT OF  
THIRD PARTY CHECKS BY NON-COMMERCIAL BANKING  
CUSTOMERS FROM REMOTE LOCATIONS

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Box: AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Transmitted herewith is a Notice of Appeal in the above-identified application.

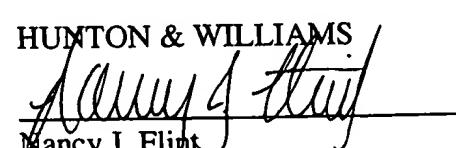
Applicants hereby authorize the fee of \$320.00 plus the \$930.00 fee for a three month extension  
of time to be charged to Deposit Account 50-0206.

In addition, a copy of an Amendment after Final Rejection that was filed on January 7,  
2003 is resubmitted since the Examiner did not receive this Amendment after Final for his  
review, although the stamped postcard from OIPE indicates that it was received by the Patent  
Office on January 7, 2003. Consideration of the remarks included therein and a response are  
appreciated as if the Amendment after Final had been timely received.

Respectfully submitted,

HUNTON & WILLIAMS

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3-14-03 JH



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: )  
Ravi ACHARYA, et. al. ) Group Art Unit: 3624  
Serial No.: 09/506,434 ) Examiner: James S. Bergin  
Filed: February 18, 2000 )

For: SYSTEM AND METHOD FOR ELECTRONIC DEPOSIT OF THIRD  
PARTY CHECKS BY NON-COMMERCIAL BANKING  
CUSTOMERS FROM REMOTE LOCATIONS

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**NOTICE OF APPEAL**

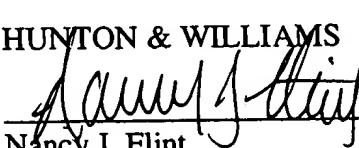
Sir:

In accordance with 37 C.F.R. § 1.191, the Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Supervisory Patent Examiner, mailed September 11, 2002, rejecting claims 1, 4, 10, 11, 13, 15, 17 and 21 in the above-captioned patent application.

Applicant authorizes the fee of \$320.00 for the Notice of Appeal, along with the fee of \$930.00 for a three month extension of time, to be charged to Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

  
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Date: March 11, 2003



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UTILITY

DESIGN

Application Serial No.: 09/506,434

Client/Matter: 47004/000059

Inventor: Acharya et. al.

Client: First USA

Filing Date: February 18, 2000

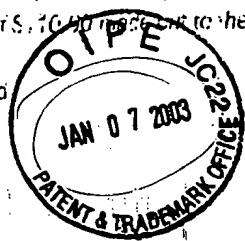
Date: January 7, 2003

Atty/Sec.: NJF/kdb

Title: SYSTEM AND METHOD FOR ELECTRONIC DEPOSIT OF THIRD PARTY CHECKS BY NON-COMMERCIAL BANKING CUSTOMERS FROM REMOTE LOCATIONS

The following has been received in the U.S. Patent and Trademark Office  
on the date stamped hereon:

1. Transmittal Letter 2 pages
2. Amendment after Final Rejection in Response to Paper No. 18 12 pages
3. Check in the amount of \$ 100.00 payable to the Director of the US Patent and Trademark Office for one month extension of time
4. Green Return Postcard



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1-14-03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )

Ravi ACHARYA, et. al. )

Serial No. 09/506,434 )

Filed: February 18, 2000 )

For: SYSTEM AND METHOD FOR  
ELECTRONIC DEPOSIT OF  
THIRD PARTY CHECKS BY  
NON-COMMERCIAL BANKING  
CUSTOMERS FROM REMOTE  
LOCATIONS

Attorney Reference: 47004.000059

Group Art Unit: 3624

Examiner: James S. Bergin

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EV183736734US

Assistant Commissioner for Patents  
Washington, D.C. 20231

Transmitted herewith is an Amendment after Final Rejection in Response to Paper No. 18 in the  
above-identified application. The fee has been calculated as shown below:

CLAIMS AS AMENDED						Amount	
	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra	Rate			
				Large Entity	Small Entity		
Number of Claims in Excess of 20	18	49	0	\$ 18.00	\$ 9.00	0.00	
Independent Claims in Excess of 3	6	5	0	\$ 84.00	\$ 42.00	0.00	
First Presentation of Multiple Dependent Claims				\$ 280.00	\$ 140.00	0.00	
Extension Fee:	a) One Month b) Two Months c) Three Months d) Four Months e) Five Months			\$ 110.00 \$ 400.00 \$ 920.00 \$ 1,440.00 \$ 1,960.00	\$ 55.00 \$ 200.00 \$ 460.00 \$ 720.00 \$ 980.00	\$110.00	
				TOTAL FEE DUE:		\$110.00	

[X] This is a request under the provisions of 37 C.F.R. § 1.136(a) to extend the period for filing a response in the above identified application.

[ ] No additional fee is required.

- A check in the amount of \$110.00 is attached.
- Charge \$ \_\_\_\_\_ to Deposit Account No. 50-0206. A duplicate of this sheet is enclosed.
- Charge any additional fees or credit any overpayment to Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

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Date: January 7, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ravi ACHARYA, et. al.

Serial No.: 09/506,434

Filed: February 18, 2000

) Group Art Unit: 3624

) Examiner: James S. Bergin

For: SYSTEM AND METHOD FOR  
ELECTRONIC DEPOSIT OF THIRD  
PARTY CHECKS BY  
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CUSTOMERS FROM REMOTE  
LOCATIONS

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Assistant Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

Sir;

In response to the Office Action mailed on September 11, 2002 in the above-identified application, Applicants respectfully request that this Amendment after Final Rejection be entered, and that the application be reconsidered in view of the remarks that follow:

AMENDMENTS

In the Claims

Please amend claims 1, 15 and 21. A clean version of the amended claims is set forth below.

1. (Three times amended) A system for depositing the value associated with conventional checks into the bank account of a customer payee comprising:

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Attorney Docket No. 47004.000059

an interface to a customer terminal, the customer terminal being located remotely from a bank;

an automated banking system connected to the customer terminal interface via a communication link, the automated banking system being located remotely from the customer terminal interface; and

an interface to a check clearing system, the check clearing system connected to the automated banking system via a communication link, the check clearing system being located remotely from the automated banking system,

wherein the automated banking system is configured such that information from a conventional check is entered into the customer terminal, and

wherein the automated banking system and check clearing system are configured to effectuate deposit of the discrete value of each check into an account of the customer payee.

15. (Three times amended) A method for allowing a bank customer to deposit the value of conventional checks into a bank account from a location that is remotely situated with respect to a bank, comprising:

- (a.) receiving conventional checks payable to a bank customer payee;
- (b.) logging the bank customer payee onto an automated banking system from a customer terminal that is remotely situated with respect to a bank and the automated banking system;
- (c.) entering transaction data into the customer terminal;

- (d.) processing the discrete value of each check for deposit by the automated banking system; and
- (e.) receiving a result of the transaction for each check.

21. (Three times amended) A method for allowing a bank to process check deposit<sup>1</sup> transactions that are initiated by a bank customer at a remote location, comprising:

- (a.) receiving a request from a bank customer on a terminal that is remotely situated from a bank for authorization to make a transaction using an automated banking system, wherein the terminal is remotely situated from the automated banking system;
- (b.) authorizing a bank customer payee as a user on the automated banking system;
- (c.) receiving transaction data related to the deposit of a conventional check payable to the bank customer, where the payor is someone other than the bank customer; and
- (d.) processing the transaction for the discrete value of each check.

Marked-up versions of the amended claims detailing insertions and deletions, as required pursuant to 37 C.F.R. 1.121(c)(ii), are included as an Appendix separate from and attached to this Amendment.

Please add the following claims:

50. A system for depositing the value associated with conventional checks into the bank account of a customer payee comprising:

an interface to a customer terminal, the customer terminal being located remotely from a bank, wherein the customer payee controls access to the customer terminal;

an automated banking system connected to the customer terminal interface via a communication link, the automated banking system being located remotely from the customer terminal interface; and

an interface to a check clearing system, the check clearing system connected to the automated banking system via a communication link, the check clearing system being located remotely from the automated banking system, wherein the automated banking system is configured such that information from a conventional check is entered into the customer terminal, and wherein the automated banking system and check clearing system are configured to effectuate deposit of the discrete value of each check into a demand deposit account of the customer payee.

51. The system of claim 50, wherein the remote customer terminal comprises a personal computer.
52. The system of claim 50, wherein the remote customer terminal comprises a digital image scanner for data entry.
53. The system of claim 52, wherein the digital image scanner comprises optical recognition software to convert machine printed characters to electronic text.
54. The system of claim 50, wherein the remote customer terminal comprises a printer for printing receipts or marking checks.

PATENT  
Attorney Docket No. 47004.000059

55. A method for allowing a bank customer to deposit the value of conventional checks into a bank account from a location that is remotely situated with respect to a bank, comprising:

(a.) receiving conventional checks payable to a bank customer payee;

(b.) logging the bank customer payee onto an automated banking system from a customer terminal that was previously associated with a demand deposit account of the bank customer payee, wherein the customer terminal is remotely located from the automated banking system, wherein further access to the customer terminal is controlled by the bank customer payee;

(c.) entering transaction data into the customer terminal;

(d.) processing the discrete value of each check for deposit by the automated banking system from the customer terminal into the associated demand deposit account; and

(e.) receiving a result of the transaction for each check.

56. The method of claim 55, wherein the customer terminal comprises a digital image scanner comprising optical recognition software capable of convertint machine printed characters to electronic text.

57. The method of claim 56, wherein entering transaction data into the customer terminal comprises scanning the checks using the digital image scanner.

58. The method of claim 55, wherein the result of the transaction in (e.) comprises a provisional credit to the associated demand deposit account.

PATENT  
Attorney Docket No. 47004.000059

59. A method for allowing a bank to process check deposit transactions that are initiated by a bank customer at a remote location, comprising:

- (a.) associating a terminal with a demand deposit account of a bank customer, wherein the terminal is remotely situated from a bank, wherein further the bank customer controls the location of the terminal; thereafter
- (b.) receiving a request from the bank customer through the terminal for authorization to make a transaction using an automated banking system, wherein the terminal is remotely situated from the automated banking system;
- (c.) authorizing the bank customer payee as a user on the automated banking system;
- (d.) receiving transaction data related to the deposit of a conventional check payable to the bank customer into the associated demand deposit account, where the payor is someone other than the bank customer; and
- (e.) processing the transaction for the discrete value of each check.

REMARKS

The application has been amended in view of the Office Action dated September 11, 2001. Claims 50 through 59 have been added.

I. Information Disclosure Statement

It is stated in the Office Action that the references U20-U140, P1 and P2, which were listed on Form PTO-1449 originally filed on January 23, 2001 and resubmitted on August 8, 2001, were not received by the Examiner. Applicants have respectfully resubmitted these references on December 30, 2002. Applicants respectfully request that these references be considered at this time.

II. 35 U.S.C. § 102 Rejection

Claims 1, 10, 11, 13, 15 and 21 have been rejected for allegedly being anticipated by Riach *et. al.*, U.S. Patent No. 5,751,842 (herein "Riach") under 35 U.S.C. § 102(b). The Examiner has explained that Riach discloses a check depositing system and method comprising a remote processing terminal, connected to a data circuitry suitable for electronic funds transfer whereby the customer's bank account can be automatically credited with the monetary value of a conventional check; the customer logs on to the automated banking system using a bankcard and pin number and is authorized to continue; the customer enters information from the check into the customer terminal using a keyboard; and a funds transfer operation is effected wherein the value of the check is transferred from the payor's account to the payee's account, this process including the check clearing process. See Office Action at p. 3. The Examiner further noted that, "[t]he Riach . . . apparatus comprises an automated banking system . . . [t]he checks deposited in the Riach . . . apparatus are processed or cleared by the Riach . . . apparatus itself . . . [t]he Riach . . . apparatus also comprises a check clearing system." See Office Action at p. 5.

Applicants respectfully submit that, as amended, Riach does not anticipate the invention of claims 1, 15 and 21. Applicants have amended claim 1 to include the further limitations that the automated banking system is remotely located from the customer terminal interface, and that the check clearing system is remotely located from the automated banking system. Claims 15 and 21 have been amended to include the limitation the customer terminal is remotely located from the automated banking system. These limitations thus distinguish the invention of claims 1, 15 and 21 over Riach for at least the reason that that automated banking system and the check clearing system are separate from the customer terminal, unlike Riach where the apparatus itself comprises the automated banking system and the check clearing system.

PATENT  
Attorney Docket No. 47004.000059

Similarly, newly added claims 50, 55 and 59 include similar limitations that the automated banking system is remotely located from the customer terminal, thus distinguishing these newly added claims over Riach. In addition, claims 50 and 55 include the limitation that access to the customer terminal is controlled by the bank customer payee. This limitation distinguishes the Riach apparatus over the invention because the Riach apparatus is described as an ATM (automated teller machine), which does not have access controlled by the bank customer payee.

Claims 55 and 59 include limitations that the customer terminal is associated with a demand deposit account of the customer and that the discrete value of each check for deposit is deposited by the automated banking system into the associated demand deposit account. These limitations also distinguish the invention over Riach because the Riach apparatus is not associated with a customer payee demand deposit account prior to logging onto the automated banking system by the customer.

Applicants respectfully request that the 35 U.S.C. § 102 rejections of independent claims 1, 15, and 21 be withdrawn, since the cited reference Riach does not disclose each and every aspect of the claimed invention. Since the remaining claims depend from one of claims 1, 15, or 21, Applicants respectfully request that the rejection of each of these claims under § 102 for anticipation likewise be withdrawn. Similarly, Applicants submit that Riach does not anticipate any of newly added claims 50 through 59 for the reasons set forth above.

**III. 35 U.S.C. § 103 Rejections**

Claims 4 and 17 have been rejected as allegedly being unpatentable over Riach pursuant to 35 U.S.C. § 103(a).

Applicants respectfully submit that the invention of claims 4 and 17, as amended, are not obvious because Riach does not teach or suggest all the claim limitations in each instance. The limitations added by amendment of claims 1 and 15 (that the automated banking system is remotely located from the customer terminal interface, and that the check clearing system is remotely located from the automated banking system and the customer terminal is remotely located from the automated banking system) are not disclosed or suggested by Riach. Riach thus does not disclose each and every element of the invention of claims 1 and 15, either alone or in view of Official Notice that a personal computer can be used as a customer terminal and the step of a provisional credit being applied to a customer's account, and therefore does not disclose each and every limitation of dependent claims 4 and 17.

Applicants respectfully submit that claims 4 and 17 are not obvious in view of Riach and Official Notice, and respectfully request that this rejection be withdrawn.

**CONCLUSION**

Applicants submit that the application is in condition for allowance and respectfully request entry of this Amendment after Final Rejection and a notice of allowance for all the pending claims. Applicants submit a check in the amount of \$110.00 and request a one month extension of time for filing this Amendment. It is believed that no other fees are due. However, should any other fees be determined to be due, Applicants request that such fees be charged against Deposit Account 50-0206. Should the Examiner determine that any further action is

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Attorney Docket No. 47004.000059

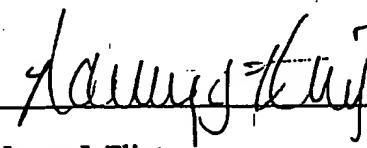
necessary to place this application in condition for allowance, the Examiner is kindly requested and encouraged to telephone Applicants' undersigned representative at the number listed below.

Respectfully submitted,

HUNTON & WILLIAMS

Date: January 7, 2003

By:



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Miami, Florida 33131  
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Fax (305) 810-2460

APPENDIX OF MARKED-UP VERSION OF AMENDED CLAIMS

1. (Three times amended) A system for depositing the value associated with conventional checks into the bank account of a customer payee comprising:
  - an interface to a customer terminal, the customer terminal being located remotely from a bank[, the customer terminal further being selectively locatable by a customer payee];
  - an automated banking system connected to the customer terminal interface via a communication link, the automated banking system being located remotely from the customer terminal interface; and
  - an interface to a check clearing system, the check clearing system connected to the automated banking system via a communication link, the check clearing system being located remotely from the automated banking system, wherein the automated banking system is configured such that information from a conventional check is entered into the customer terminal, and wherein the automated banking system and check clearing system are configured to effectuate deposit of the discrete value of each check into an account of the customer payee.
15. (Three times amended) A method for allowing a bank customer to deposit the value of conventional checks into a bank account from a location that is remotely situated with respect to a bank, comprising:
  - (a.) receiving conventional checks payable to a bank customer payee;

- (b.) logging the bank customer payee onto an automated banking system from a customer terminal that is remotely situated with respect to a bank[, wherein the customer terminal is selectively locatable by the bank customer payee] and the automated banking system;
- (c.) entering transaction data into the customer terminal;
- (d.) processing the discrete value of each check for deposit by the automated banking system; and
- (e.) receiving a result of the transaction for each check.

21. (Three times amended) A method for allowing a bank to process check deposit transactions that are initiated by a bank customer at a remote location, comprising:
- (a.) receiving a request from a bank customer on a terminal that is remotely situated from a bank for authorization to make a transaction using an automated banking system, wherein the terminal is remotely situated from the automated banking system;
- (b.) authorizing a bank customer payee as a user on the automated banking system;
- (c.) receiving transaction data related to the deposit of a conventional check payable to the bank customer, where the payor is someone other than the bank customer; and
- (d.) processing the transaction for the discrete value of each check.



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Signature

Nancy J. Flint  
Typed or printed name of person signing Certificate

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1. Notice of Appeal and Amendment After Final Rejection for U.S. Patent Application Ser. No. 09/506,434 14 pages
2. Letter of Transmittal 1 page 15
3. Certificate of Transmission, 1 page
4. Fax Cover Sheet, 1 page

**Confirmation Report - Memory Send**

Page : 001  
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Number of pages : 019

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End time : 03-11 02:49pm

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**HUNTON &  
WILLIAMS**

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**FAX****TO**

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FAX NO.:

PHONE NO.:

U.S. Patent Office TC 3600/Examiner Bergin  
United States Patent and Trademark Office  
703-672-9327  
703-305-3987

*1718* Yes  No**FROM**

NAME:

DIRECT DIAL:

Nancy J. Flint  
305-810-2522

**MESSAGE**

Examiner Bergin, attached is a Notice of Appeal and a copy of an Amendment after Final Rejection originally mailed on January 7, 2003 for U.S. Patent Application Ser. No. 08/508,434. Thank you very much for your assistance in this matter.

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 305-536-2700.

**OPERATOR**

DATE:

March 11, 2003

TIME:

CLIENT/MATTER NAME:

47004

CLIENT/MATTER NO.:

000059

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03-11-03 02:44pm	From-HUNTON WILLIAMS	3058102460	T-430	P-001	F-000
<p style="text-align: center;"><b>HUNTON&amp; WILLIAMS</b></p> <p style="text-align: center;">111 BRICKELL AVENUE BARCLAYS FINANCIAL CENTER MIAMI FL 33131-1822  TEL. 305-350-7400 FAX 305-350-3887</p> <hr/> <p><b>TO:</b> NAME: U.S. Patent Office TC 3600/Examiner Bergin FIRM: United States Patent and Trademark Office FAX NO.: 703-872-6327 PHONE NO.: 703-305-3987</p> <p><b>PAGES (INCLUDING COVER):</b> 19</p> <p><b>ORIGINAL TO FOLLOW IN MAIL:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>FROM:</b> NAME: Nancy J. Flind DIRECT DIAL: 973-410-2599</p> <p><b>MESSAGE:</b> Examiner Bergin, attached is a Notice of Appeal and a copy of an Amendment after Final Rejection originally mailed on January 7, 2003 for U.S. Patent Application Ser. No. 10/470,434. Thank you very much for your assistance in this matter.  IF PROBLEMS WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 303-526-2700.</p> <p><b>OPERATOR</b></p> <p><b>DATE:</b> March 11, 2003 <b>TIME:</b> <b>CLIENT/MATTER NAME:</b> 47004 <b>CLIENT/MATTER NO.:</b> 000059</p> <p><small>This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.</small></p> <p>47004.000059 WASHINGTON 190221v1 Received from &lt;3058102460&gt; at 3/11/03 2:37:01 PM [Eastern Standard Time]</p>					

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# HUNTON & WILLIAMS



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## FAX

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PHONE NO.: 703-305-3987

**PAGES (INCLUDING COVER):** 17 18

**ORIGINAL TO FOLLOW IN MAIL:**  Yes  No

**FROM** NAME: Nancy J. Flint  
DIRECT DIAL: 305-810-2522

**MESSAGE** Examiner Bergin, attached is a Notice of Appeal and a copy of an Amendment after Final Rejection originally mailed on January 7, 2003 for U.S. Patent Application Ser. No. 09/506,434. Thank you very much for your assistance in this matter.

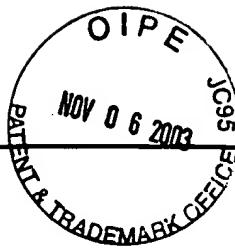
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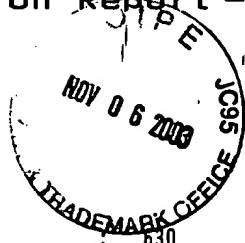
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2. Notice of Appeal and Original Letter of Transmittal filed on March 11, 2003 for U.S. Patent Application Ser. No. 09/506,434 2 pages
3. Amendment After Final Rejection, Original Letter of Transmittal and Stamped Postcard from January 7, 2003 for U.S. Patent Application Ser. No. 09/506,434 15 pages
4. Original Certificate of Fax Transmission for March 11, 2003 1 page
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FROM

NAME:  
DIRECT DIAL:

Nancy J. Flint  
305-810-2522

MESSAGE

Supervisor Millin, attached is a Notice of Appeal and a copy of an Amendment after Final Rejection (originally filed on January 7, 2003) which were filed on March 11, 2003 for U.S. Patent Application Ser. No. 09/506,434. Thank you very much for your assistance in this matter.

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OPERATOR

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